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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,405	03/19/2001	Kenneth H. Crain	108292.00008	3389

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EXAMINER	
KE, PENG	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/812,405	CRAIN ET AL.	
	Examiner	Art Unit	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 18-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 8/12/04.

Claims 1-15, and 18-21 are pending in this application. Claims 1, 13, and 21 are independent claims. In the Amendment, filed on 8/12/04, claims 1, 13, 14, 15, and 21 were amended.

Claim Rejections - 35 USC § 102

Claims 1 – 12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rapaport et al, U.S. Patent No. 5,890,152.

As per claim 1, Rapaport et al. teaches a system that enables a recording of user-viewable stimuli comprising:

A processing platform for executing code capable of recording a user-viewable visual stimuli; (see Rapaport et al., column 2, lines 34 – 40; the examiner interprets user-viewable stimuli to be any data viewable by the user);

verifying a change in the visual stimuli (see Rapaport, column 12, lines 33 – 37; the examiner interprets determining whether a scroll bar is depressed as verifying a change in visual stimuli); and

creating a visual event related to the change in the visual stimuli (see Rapaport, column 12, lines 37 – 40; the examiner interprets changing the activation value of the profile relating to the media file as creating a visual event relating to the change in visual stimuli); and

A storage platform for storing at least the user-viewed visual stimuli, wherein the storage platform is operably coupled to the processing platform (see Rapaport et al., column 2, lines 32 - 34).

Wherein the processing platform is adopted to reconstruct at least one of:

The visual stimuli (col. 23, lines 62-68); and

The change in the visual stimuli, at a specific time that a user viewed the visual stimuli.

As per claim 2, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system comprising a user interaction device coupled to the processing platform (see Rapaport et al., column 2, lines 31 – 32).

As per claim 3, which is dependent on claim 1, Microsoft corp. teaches the system of claim 1 (see rejection above). Microsoft corp. further teaches the system wherein the processing platform executes code capable of recording a user-viewable stimuli, by:

detecting a visual event;

verifying that the visual event involves a parameter that changes a viewable stimuli; and

recording at least one parameter (see Rapaport et al., column 12, lines 26 – 40; the user's progression through the media file segment is interpreted as the visual event, the rate of this progression is detected, analyzed and if there is a change the activation value parameter is changed and stored).

As per claim 4, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system comprising a browser coupled to the processing platform (see Rapaport et al., column 2, line 33).

As per claim 5, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system comprising a browser interface coupled to a processing platform (see Rapaport et al., column 2, lines 29 - 40; the device described can be interpreted to be a processing platform).

As per claim 6, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system comprising a network coupled to the processing platform (see Rapaport et al., column 2, lines 26 - 28).

As per claim 7, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system wherein the storage platform comprises cached memory (see Rapaport et al., column 5, lines 17 – 21 and figure 1, item 106; it is inferred that random access memory is used as cached memory).

As per claim 8, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches where the system is maintained in a Personal Digital Assistant (PDA) (see Rapaport et al., column 5, lines 22 – 26; the examiner interprets a "web-enabled telephone" as a personal digital assistant).

As per claim 9, which is dependent on claim 6, Rapaport et al. teaches the system of claim 6 (see rejection above). Rapaport et al. further teaches the system wherein the network is the internet (see Rapaport et al., column 2, lines 26 – 28).

As per claim 10, which is dependent on claim 6, Rapaport et al. teaches the system of claim 6 (see rejection above). Rapaport et al. further teaches the system comprising a host computer coupled to the network, the host computer for communicating with the processing platform (see Rapaport et al. column 6, lines 1 – 4; by accessing a search engine via a computer network, it can be inferred that the processing platform is communicating with a search engine host computer).

As per claim 11, which is dependent on claim 1, Rapaport et al. teaches the method of claim 1 (see rejection above). Rapaport et al. further teaches an eye-tracking device coupled to the processing platform (see Rapaport et al. column 3, lines 1 – 3).

As per claim 12, which is dependent on claim 11, Rapaport et al. teaches the method of claim 11 (see rejection above). Rapaport et al. further teaches that the eye-tracking device is enabled to monitor pupil dilation (see Rapaport et al., column 25, lines 32 – 35).

As per claim 18, which is dependent on claim 1, Rapaport teaches the system of claim 1 (see rejection above). Rapaport further teaches the system of claim 1, wherein the change is caused by a user (see Rapaport et al., column 2, lines 34 – 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13 – 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochmuth, U.S. Patent No. 6,046,741 in view of Rapaport et al., U.S. Patent No. 5,890,152.

As per claim 13, Hochmuth teaches a system that enables a recording of user-viewable visual stimuli comprising:

a processing platform for:

executing code capable of recording a user-viewable visual stimuli (see Hochmuth, column 2, lines 46 – 51; the examiner interprets graphical elements displayed on a screen as user-viewable visual stimuli);

verifying a change in the visual stimuli (see Hochmuth, column 2, line 63 – column 3, line 6; the examiner interprets a command executed through the graphical user interface as a change in the visual stimuli);

creating a visual event related to the change in the visual stimuli (see Hochmuth, column 1, lines 51 – 57 and column 3, lines 43 – 48; the examiner interprets a logged event as a visual event); and

a storage platform for storing at least the user-viewed visual stimuli, the storage platform coupled to the processing platform (see Hochmuth, column 2, lines 46 – 51).

Hochmuth does not teach verifying a change in a user's eye position and creating a visual event related to the change in the user's eye position.

And wherein the processing platform is adopted to reconstruct at least one of:

The visual stimuli; and

The change in the visual stimuli, at a specific time that a user viewed the visual stimuli.

Rapaport teaches verifying a change in a user's eye position (see Rapaport, column 25, lines 30 – 35) and creating a visual event related to the change in the user's eye position (see Rapaport, column 25, lines 32 – 35; the examiner interprets changing a rate of progression value as creating a visual event).

And wherein the processing platform is adopted to reconstruct at least one of:

The visual stimuli (col. 23, lines 62-68); and

The change in the visual stimuli; and

The change in the user's eye position, at a specific time that a user viewed the visual stimuli.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Rapaport with the system of Hochmuth in order to provide an improved system of analyzing user interest in displayed information.

As per claim 14, which is dependent on claim 13, Hochmuth and Rapaport teach the data signal of claim 13 (see rejection above). Hochmuth does not teach the system of claim 13 further comprising a parameter related to the visual event, wherein the parameter is a network address of all online content immediately displayed within a browser window. Rapaport teaches a parameter related to a visual event, wherein the parameter is a network address of all online content immediately displayed within a browser window (see Rapaport et al., column 9, lines 49 – 53). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Rapaport with the system of Hochmuth in order to create shortcuts to online documents.

As per claim 15, which is dependent on claim 13, Hochmuth and Rapaport teach the system of claim 13 (see rejection above). Hochmuth does not teach the system of claim 13 further comprising a parameter related to the visual event, wherein the parameter is a two-dimensional offset of the online content as it is displayed within a browser window. Rapaport teaches parameter related to the visual event, wherein the parameter is a two-dimensional offset of the online content as it is displayed within a browser window (see Rapaport, column 25, lines 25 – 29; it can be inferred that if the number of scrolled pages per minute are calculated, the two-dimensional offset for each page of the content must be calculated and stored). It would have

been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Rapaport with the system of Hochmuth in order to provide an improved system of analyzing user interest in displayed information.

As per claim 21, it is of similar scope to claim 13 and is rejected under the same rationale.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapaport et al., U.S. Patent No. 5,890,152in view of Hochmuth, U.S. Patent No. 6,046,741.

As per claim 19, which is dependent on claim 1, Rapaport teaches the system of claim 1. Rapaport does not teach the system of claim 1 wherein the change is caused by a source of the visual stimuli. Hochmuth teaches wherein a change in visual stimuli is caused by a source of the visual stimuli (see Hochmuth, column 2, lines 46 – 51 and column 4, lines 15 – 30; the examiner interprets the computer as a source of the visual stimuli and displaying a dialog box to a user upon an automatic detection of a repeating sequence as creating a visual stimuli). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Hochmuth with the system of Rapaport in order to automatically alert a user to a system state.

As per claim 20, which is dependent on claim 1, Rapaport teaches the system of claim 1. Rapaport does not teach the system of claim 1, wherein the change is caused by the processing platform. Hochmuth teaches wherein a change is caused by the processing platform (see Hochmuth, column 2, lines 46 – 51 and column 4, lines 15 – 30; the examiner interprets the computer as a processing platform and displaying a dialog box to a user upon an automatic detection of a repeating sequence as creating a visual stimuli). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Hochmuth with the system of Rapaport in order to automatically alert a user to a system state.

Response to Argument

Applicant's arguments filed on 8/12/04 have been fully considered but they are not persuasive.

Applicant argues that Rapaport does no teach selecting media files without requiring user to provide specific input.

Examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., without requiring user to provide specific input) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the claim merely required a processing platform to have to adapt and to reconstruct a visual stimuli, and Rapaport met this requirement by highlighting desired information a media file. (col. 23, lines 63-68)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

SY D. LUU
PRIMARY EXAMINER